

WAYNE E. ALLEY - SENIOR UNITED STATES JUDGE

COUNSEL: PLEASE READ CAREFULLY

1. Please be on time for each court session. Trial engagements take precedence over any other business.
2. Court time may not be used for marking exhibits. This must be done in advance of the court session.
3. Please stand whenever you address the Court. This includes the making of objections.
4. Stand a respectful distance from the jury at all times. Make statements and arguments to the jury from the lectern.
5. In your opening statement to the jury, do not argue the case and do not discuss law. Confine yourself to a concise summary of the facts to follow. Unless the case is unusually complex, each party will be limited to 15 minutes.
6. Please stand when you question witnesses. (Counsel with physical disabilities will be excused from this requirement.) Do not pace about the courtroom when questioning witnesses, but remain at the lectern unless given permission to approach the witness, diagram, bench, or the like.
7. If you intend to question a witness about a group of documents, place them before the witness before you start the examination.
8. Except for children, address witnesses and refer to witnesses and parties by their surnames, for example, Mr. A, Sergeant B, or Doctor C.
9. Do not greet or introduce yourself to adverse witnesses. Commence your cross-examination without preliminaries.
10. When you object in the presence of the jury, make your objection short and to the point. Do not argue the objection in the presence of the jury, and do not argue with the ruling of the Court in the presence of the jury. Do not make motions in the presence of the jury. Such matters may be raised at the first recess without waiving any rights by such delayed motion.
11. Unless leave is given at the bench for further examination, examination of a witness ends with the first redirect.
12. Never assert your personal opinion as to the credibility of a witness, the culpability *vel non* of a civil litigant, or the guilt or innocence of an accused, nor as counsel assert personal knowledge of a fact in issue, nor assert a fact not in evidence.
13. Do not react to a statement by another counsel or a witness being examined by another counsel by any gesture or facial expression signifying agreement, disagreement, approval or disapproval. Advise your clients they are subject to the same limitation.
14. To publish an exhibit by reading it or part of it aloud, read it yourself. Do not ask a witness to do so. Do not publish an exhibit's contents before it is admitted.
15. Do not bring food or beverage into the courtroom. Water is provided there.
16. When another counsel has the floor, do not distract the Court or jury by audibly conversing with your client or co-counsel, ostentatiously passing notes, rummaging through papers, or other conspicuous conduct.
17. The jury should hear the instructions on the law of the case from the Court, an impartial source. In your final arguments, you may tell the jury what you believe the substance of the Court's instruction on a particular subject will be, but do not read or quote any instruction.

We will have better trials and few embarrassments given scrupulous observance of the Rules of Professional Conduct, professional civility, and these “do’s and don’t’s.”